IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)
	Plaintiff,) 8:08CR307)
	vs.)) DETENTION ORDER
BR	RENT MARTINEZ,	,)
	Defendant.	'
A.	Order For Detention After waiving a detention hearing pursuant Act on September 9, 2008 (Filing No. 1 defendant detained pursuant to 18 U.S.C. §	7), the Court orders the above-named
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 	
C.	carries a maximum senter and brandishing of a fire (Count II) in violation of minimum consecutive ser X (b) The offense is a crime of (c) The offense involves a name of the content of t	nd includes the following: e offense charged: Count I) in violation of 18 U.S.C. § 2113(a) nce of twenty years imprisonment; the use earm possession during a bank robbery 18 U.S.C. § 924(c) carries a mandatory ntence of seven years imprisonment. violence.
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant is The defendant of ties. Past conduct of to X The defendant hat X The defendant hat The defendant hat The defendant hat Court proceeding	ppears to have a mental condition which her the defendant will appear. The as no family ties in the area. The as no steady employment. The as no substantial financial resources. The as not a long time resident of the community loes not have any significant community. The defendant: The as a history relating to drug abuse. The as a history relating to alcohol abuse. The as a significant prior criminal record. The as a prior record of failure to appear at a surrest, the defendant was on:

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(c) O1	Parole Release pending trial, sentence, appeal or completion of sentence. Ther Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
release a	ure and seriousness of the danger posed by the defendant's are as follows: The nature of the charges in the Indictment and the tt's substance abuse history.
on the foll which the X_ (a) The as of the X_ (b) The as of X_ (b) The as of	inining that the defendant should be detained, the Court also relied lowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) are Court finds the defendant has not rebutted: Inat no condition or combination of conditions will reasonably sure the appearance of the defendant as required and the safety any other person and the community because the Court finds that a crime involves: X (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. Interval the appearance of the defendant as required and the safety the community because the Court finds that there is probable use to believe: (1) That the defendant has committed a controlled
_>	substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 9, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge